

**JULY 15 ORDER
CLARIFYING
PRESERVATION
PLAN**

**Redacted Version of
Document Sought
to be Sealed**

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHASOM BROWN, et al.,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 20-cv-03664-YGR (SVK)

FILED UNDER SEAL

**ORDER CLARIFYING
PRESERVATION PLAN**

Re: Dkt. Nos. 591, 612

Google has sought clarification of two requirements of the preservation plan in this action (Dkt. 587): (1) the shortening of retention periods for certain data sources; and (2) the requirement for preservation of encryption keys. Dkt. Nos. 591, 612. Plaintiffs did not oppose Google's requests. These identical issues have been the subject of further refinement in the related *Calhoun* matter. The Court has determined that it in the interests of judicial economy and for ease of implementation of the preservation plans in this case and in the related *Calhoun* matter, both of these issues will be handled in the same manner in the two cases. Accordingly, the Court **CLARIFIES** the preservation plan in this case, Dkt. 587, as follows:

1. Log Retention Period

The logs identified in proceedings before the Special Master are set forth in Exhibit 1. The logs in **bold font** did not, as of the date of the Special Master's Report and Recommendation dated April 4, 2022, have a retention period, such that the data in those logs was preserved in perpetuity. Accordingly, for the logs in **bold font** in Exhibit 1, no retention period may be instituted during the remainder of this litigation. This clarification **SUPERCEDES** this Court's instruction for preservation of logs in Dkt. 587 and its previous order of clarification at Dkt. 604. Further, and

1 for the Parties' information, Google has affirmed to this Court on the record (*Calhoun*, Dkt. 750 at
2 42:9-16) that it maintains an audit trail for all changes to all logs.

3 **2. Encryption Keys**

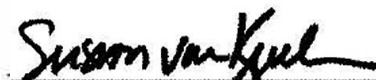
4 Google proffered a solution which the Court hereby **ADOPTS**. Dkt. 612-4, p.2.

5 Accordingly, **within the next fifteen days**, Google shall undertake the following steps:

6 (1) decrypt the data to be preserved at the time of preservation so that Google no longer needs to
7 rely on the "[REDACTED]"; (2) re-encrypt the data in a safe and secured manner using a
8 new key created exclusively for this purpose; and (3) preserve the data and this new encryption
9 key for the duration of the litigation. This task is to be completed **no later than July 30, 2022**.
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11 **SO ORDERED.**

12 Dated: July 15, 2022

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15 SUSAN VAN KEULEN
16 United States Magistrate Judge
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